

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:12-CR-00053-F-1

UNITED STATES OF AMERICA

v.

REGINALD FREDERICK WATSON,
Defendant.

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ORDER

This matter is before the court on Reginald Frederick Watson's September 15, 2016 *pro se* motion [DE-41]. In his motion, Watson appears to argue that in light of *Mathis v. United States/United States v. Hinkle*, No. 15-10067 (August 11, 2016), he is entitled to relief. *Id.* at 1. Also, Watson is requesting appointed counsel. *Id.*

Watson seems to be attacking the validity of his sentence; thus, the appropriate avenue to bring this challenge is by way of a § 2255 motion.¹ To the extent that Watson seeks to file a § 2255 motion, he must file it on the appropriate form. The Clerk of Court hereby is DIRECTED to send a copy of the appropriate § 2255 form to Watson. If Watson elects to pursue a § 2255 motion, he shall have twenty-eight (28) days within which to file his motion on the appropriate § 2255 form provided by the Clerk. Watson should send the original of the § 2255 form to:

Clerk of Court
United States District Court, E.D.N.C.
ATTN: Prisoner Litigation Division
P.O. Box 25670
Raleigh, North Carolina 27611

¹ Title 28 Section 2255 states four grounds upon which such relief may be claimed: (1) that the sentence was imposed in violation of the Constitution or laws of the United States; (2) that the court was without jurisdiction to impose such sentence; (3) that the sentence was in excess of the maximum authorized by law; and (4) that the sentence is otherwise subject to collateral attack. 28 U.S.C. § 2255(a).

As noted, Watson has request appointed counsel. Watson is advised that there is no constitutional right to counsel in § 2255 proceedings. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *United States v. Williamson*, 706 F.3d 405, 416 (4th Cir. 2013). The court concludes that the interests of justice do not require appointment of counsel at this time. If the court determines that a hearing is necessary to address Watson's § 2255 and he qualifies for appointed counsel, an attorney will be appointed to represent him. Consequently, Watson's request for appointed counsel is DENIED without prejudice to renew.

SO ORDERED.

This 16 day of September 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE